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EXAMINER	
SHEDRICK, CHARLES TERRELL	
ART UNIT	PAPER NUMBER
2617	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/718,861	KAPLAN, DIEGO	
	Examiner	Art Unit	
	CHARLES SHEDRICK	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/19/08 have been fully considered but they are not persuasive.

A. **Rejection of Independent Claims 23 and 24 Under 35 USC §103**

In the Office Action, independent claims 23 an 24 have been rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Publication No. 2004/0005889 ("Shanahan") in view of U.S. Publication No. 2002/1023336 ("Kamada") and further in view of U.S. Publication No. 2002/0123342 ("Lehaff") and further in view of U.S. Publication No. 2004/0121818 ("Paakkonen"). The Office Action relies primarily on Shanahan as teaching the elements of the claims and states that the combination of Shanahan with Kamada, Lehaff and Paakkonen would have been obvious to a person of ordinary skill in the art.

As set forth in MPEP § 2143, in KSR Intemational Co. v. Teleflex Inc., 550 U.S. ~, 127 S. Ct. 1727, 82 USPQ2d 1385, 1395-97 (2007) the Supreme Court identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham v. John Deere Co., 383 U.S. 1 (1966). The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The KSR Court noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

In the office action, Shanahan is cited as disclosing a wireless toolkit server that is

communicatively coupled with a first network and a second network. Paragraphs 23 and 34 are cited in support of this assertion. This interpretation of Shanahan is incorrect. The cited paragraphs merely disclose alternative types of communication links that can be employed under Shanahan. While these alternative types of communication links include several types of network interface links and wireless communication links, nowhere does Shanahan disclose that the toolkit server is communicatively coupled with a wireless device via a first network and communicatively coupled with a network enabled device via a second network as required by claim 23 and amended claim 24 For example, the figures associated with the cited paragraphs do not show a toolkit sever coupled with separate devices via two separate networks.

To the contrary, Shanahan discloses a single device programmer (its analog to the wireless toolkit server) that is connected via interface links to a programmable device (its analog to the wireless device) and the source content (its analog to the data storage area). Shanahan discloses that the content can come from a network (e.g., the Internet) but nowhere does Shanahan disclose two separate devices accessing the same portion of the wireless toolkit server data storage area that is reserved for the wireless communication device as required by claim 23 and amended claim 24.

a. However, The Examiner respectfully disagree. One of ordinary skill in the art would recognize from Shanahan that the links discussed are associated with Networks which is furthermore notoriously well-known in the art. Consider for example The Internet represents a plurality of public and private networks as well as cellular telephone links as noted in at least paragraphs 0023.

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Paragraph 0002 of Lehaff provides motivation as noted in the previous rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **23-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1** and further in view **of Lehaff et al. Pub. No.: US 2002/0123342 A1** and further in view of Paakkonen US Patent No.: 2004/0121818 A1

Consider **claims 23 and 24**, Shanahan teaches a wireless connectivity toolkit system, comprising: a wireless connectivity toolkit server having a data storage area and a plurality of utility programs (i.e., see at least figure 1 and paragraphs 0021-0025), the toolkit server communicatively coupled with a first network and a second network (i.e., see paragraph 0023 and 0034), wherein the first network is a wireless communication network and the second network is a public network (i.e., see paragraph 0023 and 0034); a wireless communication device communicatively coupled with the wireless connectivity toolkit server via the first network(i.e., see paragraph 0023 and 0034), wherein the wireless communication device establishes a session with the wireless connectivity toolkit server over the first network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), the session allowing execution of the utility programs and access to a portion of the data storage area for the wireless communication device(i.e., see also paragraphs 0025, 0030,0038,0039,0042,0046,0061); and a network enabled device communicatively coupled with the wireless connectivity toolkit server via the second network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), wherein the network enabled device establishes a session with the wireless connectivity toolkit server over the second network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), the session allowing access to a portion of the data storage area for the wireless communication device(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034).

However, Shanahan does not specifically teach a reserved data storage area for the wireless communication device for uploading and downloading of files. The utility programs comprising a plurality of discrete computer programs managed by an administrator program that allows a single user interface to the plurality of discrete computer programs, the administrative

computer program allowing operation of a first of the discrete computer programs which enables access and allowing operation of a second of the discrete computer programs which enables access.

In analogous art, Kamada teaches a reserved data storage area for the wireless communication device (**i.e., see at least paragraph 0081**). The utility programs comprising a plurality of discrete computer programs managed by an administrator program that allows a single user interface to the plurality of discrete computer programs, the administrative computer program allowing operation of a first of the discrete computer programs which enables access and allowing operation of a second of the discrete computer programs which enables access (i.e., **the ability the upload and download executable programs)(see the problem being solved in paragraph 0003**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device and the utility programs comprising a plurality of discrete computer programs managed by an administrator program that allows a single user interface to the plurality of discrete computer programs, the administrative computer program allowing operation of a first of the discrete computer programs which enables access and allowing operation of a second of the discrete computer programs which enables access for the purpose of improving upon the limited storage capacity as taught by Kamada in paragraph 0001.

However, Shanahan in view of Kamada does not specifically point out wherein the server is communicatively coupled to a first network and a second network, wherein the first network is

a wireless communication network and the second network is different from the first network and is a public network.

In analogous art, Lehaff teaches wherein the server is communicatively coupled to a first network and a second network, wherein the first network is a wireless communication network and the second network is different from the first network and is a public network (see figure 1).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan in view of Kamada to include wherein the server is communicatively coupled to a first network and a second network, wherein the first network is a wireless communication network and the second network is different from the first network and is a public network as taught by Lehaff for the purpose of providing effective access. However, Kamada as modified by Shanahan and further modified by Lehaff does not specifically teach Account status.

In analogous art, Paakkonen teaches that account status is well known in the art (see paragraph 0028).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kamada as modified by Shanahan and further modified by Lehaff to include account status for the purpose of establishing subscription or registration information as taught by Paakkonen

Consider **claim 25 and as applied to the method of claim 24**, Shanahan teaches the claimed invention except further comprising authenticating a user associated with the network enabled device prior to establishing the first session.

However, in analogous art Kamada as modified by Lehaff and further modified by Paakkonen teaches authenticating a user associated with the wireless communication device prior to establishing the first session (**i.e., see figure 9 and paragraph 0085**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada as modified by Lehaff and further modified by Paakkonen (i.e., see at least paragraphs 0083 and 0085).

Consider **claim 26 and as applied to the method of claim 25**, Shanahan teaches the claimed invention except further comprising obtaining profile information associated with the authenticated user, the profile information comprising identification of a discrete portion of the data storage area reserved for the authenticated user.

In analogous art, Kamada as modified by Lehaff and further modified by Paakkonen teaches the profile information comprising identification of a discrete portion of the data storage area reserved for the authenticated user (i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device for the purpose of improving upon the limited storage capacity as taught by Kamada as modified by Lehaff and further modified by Paakkonen in paragraph 0001.

Consider **claim 27 and as applied to the method of claim 24**, Shanahan teaches the claimed invention except further comprising authenticating a user associated with the network enabled device prior to establishing the second session.

However, in analogous art Kamada as modified by Lehaff and further modified by Paakkonen teaches authenticating a user associated with the wireless communication device prior to establishing the second session (**i.e., user must authenticate each 1st 2nd, 3RD time etc. to access information dedicated to the device see figure 9 and paragraph 0085**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada as modified by Lehaff and further modified by Paakkonen (i.e., see at least paragraphs 0083 and 0085).

Consider **claim 28 and as applied to the method of claim 27**, Shanahan teaches the claimed invention except further comprising obtaining profile information associated with the authenticated user, the profile information comprising an identification of a discrete portion of the data storage area reserved for the authenticated user.

In the same field of endeavor, Kamada as modified by Lehaff and further modified by Paakkonen teaches authenticating a user associated with the wireless communication device (**i.e., see figure 9 and paragraph 0085**); obtaining profile information for the wireless communication device, the profile information comprising identification information for a portion of a server hosted data storage area associated with the wireless communication device

(i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada as modified by Lehaff and further modified by Paakkonen (i.e., see at least paragraphs 0083 and 0085).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617